

ENTERED

August 31, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RICHARD ALLEN DEVILLIER, <i>et</i>	§	
<i>al.</i> ,	§	
	§	CIVIL ACTION NO. 3:20-CV-00223
VS.	§	
	§	
STATE OF TEXAS.		

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On September 2, 2020, all non-dispositive and dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A)–(B). *See* Dkt. 14. Judge Edison filed a memorandum and recommendation on July 30, 2021, recommending that Defendant's Motion to Dismiss Plaintiffs' Amended Master Complaint (Dkt. 44) be denied. *See* Dkt. 50.

On August 13, 2021, the defendant filed its objections to the memorandum and recommendation, and the plaintiffs responded on August 16, 2021. *See* Dkts. 52–53. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to “make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).


The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. Given the amended master complaint and new motion to dismiss, the court sets aside its order adopting dated March 30, 2021, (Dkt. 35) and finds that Defendant's motion to dismiss (Dkt. 6) is now moot.

The court accepts Judge Edison's memorandum and recommendation dated July 30, 2021, and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 50) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant's Motion to Dismiss Plaintiffs' Amended Master Complaint (Dkt. 44) is denied.

In adopting Judge Edison's memorandum and recommendation, the court finds that there is a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal might materially advance the ultimate termination of the litigation. This order is certified for permissive interlocutory appeal under 28 U.S.C. § 1292(b).

Signed on Galveston Island this 31st day of August 2021.


JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE